

REMARKS

Status Summary

In this amendment, claim 79 is added, and no claims are cancelled. Therefore, upon entry of this amendment, claims 1-10, 22-34, 42-50, 61-66, 69-72, 75, 76 and 79 will be pending.

Claim Rejection - 35 U.S.C. § 103

Claims 1, 2, 4-6, 22, 23, 25, 27-33, 42, 43, 45-47, 61-65, 69, 71, and 75 are rejected under 35 U.S.C. § 103(a) as unpatentable over U.S. Patent No. 6,470,179 to Chow et al. (hereinafter, "Chow"). In view if U.S. Patent No. 6,181,937 to Joensuu (hereinafter, "Joensuu"). This rejection is respectfully traversed.

Independent claims 1, 5, 22, 29, and 42 recite methods, presence registration and routing nodes, and computer program products for updating presence information maintained by a presence server for target end user in response to a telephony related action. Each of the independent claims has been amended to recite that the presence server comprises a server that manages presence information for a collection of entities and subscriptions to those entities. Support for this amendment to the claims is found, for example, on page 3, lines 18-20 of the present specification. Thus, each of the claims now recites a method, a presence registration and routing node, or computer program product where a telephony related action triggers the generation of a presence registration message that is transmitted to a presence server or updates presence information with a presence server, where a presence server is defined as a server that

maintains presence information for a collection of entities and subscriptions to those entities.

There is absolutely no disclosure, teaching, or suggestion in Chow or Joensuu of updating presence information or generating and transmitting presence registration message to a presence server, where the presence server is defined as a server that manages presence information for a collection entities and subscriptions to those entities. As a preliminary matter, neither Chow nor Joensuu mentions a presence registration message or the presence protocol. Both Chow and Joensuu are directed to mobility management procedures and have nothing to do with presence servers or the presence protocol. Thus, for this reason alone, the rejection of the claims is unpatentable over Chow in view of Joensuu should be withdrawn.

Moreover, with regard to step (d) of claim 1, the Official Action fails to indicate where in Chow or Joensuu this step is present. Pages 2 and 3 of the Office Action only address steps (a) – (c) of claim 1. Thus, for his additional reason the rejection of claim 1 and its dependent claims as unpatentable over Chow in view of Joensuu should be withdrawn.

Further, on page 3, the Official Action indicates that column 2, lines 31-39 of Joensuu disclose the automatic generation of a presence registration message. Column 2 lines 31-39 of Joensuu state as follows:

The VMSC (**108**) invokes the location updating procedure with the HLR (**104**) for each "new" MS, and sends the MSI and Pursuit Routing Number (PRN) associated with each such MS to the HLR. This information is conveyed from the VMSC to the HLR via the CCITT Common Channel Signalling System No. 7 (CC7) network signalling links in the PDC, or from the MSC/VLR to the HLR via the CCITT Signalling System No. 7 (SS7) network signalling links in the GSM.

In the above quoted passage, Joensuu describes the location updating procedure between a visited mobile switching center (VMSC) and a home location register (HLR). A VMSC is a network switch and does not store or maintain presence information for entities. An HLR is a home location register that maintains location information and registration status information for mobile subscribers. An HLR is not a presence server because an HLR does not allow entities to subscribe to other entities. In contrast, an HLR is simply subscriber database maintained by a service provider where switches query the database to obtain information regarding current subscriber location or status. Because HLRs contain subscriber data essential to completion of mobile calls, it is respectfully submitted that a carrier who owned the HLR would not allow subscriptions by other users to the subscribers whose records are maintained in the HLR. Thus, the Official Action incorrectly equates an HLR with a presence server in stating its grounds for rejecting claim 1. On pages 3, 5, 7, 8, and 11, the Official Action similarly asserts that column 2, lines 31-39 of Joensuu (which mentions HLRs and not presence servers) disclose the generation or updating of presence information with a presence server as claimed in independent claims 1, 5, 22, 29, and 42. Thus, for this additional reason, the rejection of the claims as unpatentable over Chow in view of Joensuu should be withdrawn.

On page 6, with regard to claims 22, 30 and 31, the Official Action indicates that column 18 lines 11-16 of Chow disclose a presence server message generator that is adapted to forward a presence registration message to a presence database. As stated above, the claim language has been amended to indicate that the presence registration messages forwarded to a presence server, where a presence server is defined as a

server that maintains presence information for a collection of entities and subscriptions to those entities. Column 18 lines 11-16 of Chow states as follows:

The HLR **175-2** knows the current registration location of the MIN-based MS **10** because of prior registration notification from the home **zone** NSP (H-NSP) **145-1** via the gateway (GW) **170**. HLR **175-2** sends a SS7/TCAP/IS-41 route request (ROUTREQ) message to the H-NSP **145-1** via the GW **170** for routing instructions to the MS **10**.

In the above quoted passage, Chow indicates that an MSC sends a location request message to an HLR and the HLR sends a route request message to the home network service provider (H-NSP) of a mobile station. Neither the HLR nor the home network service provider is a presence server as claimed. An HLR is not a presence server for the reasons stated above. A network service provider is not a presence server because a network service provider is simply the network of the carrier that serves a called party. Accordingly, for this additional reason, the rejection of claim 22 and its dependent claims as unpatentable over Chow in view of Joensuu should be withdrawn.

Claims 3, 7-10, 24, 26, 34, 44, 48-50, 66, 70, 72, and 76 are rejected under 35 U.S.C. § 103(a) as unpatentable over Chow in view of Joensuu and further in view of U.S. Patent No. 6,747,970 to Lamb et al. (hereinafter, "Lamb"). This rejection is respectfully traversed.

Claims 3, 7-10, 24, 26, 34, 44, 48-50, 66, 70, 72, and 76 respectfully depend from one of claims 1, 5, 22, 29, and 42. As described above, Chow and Joensuu fail to disclose updating of presence information with a presence server based on a telephony related action, where presence server is defined as a server that manages presence information for a collection of entities and subscriptions to those entities, as claimed in

the independent claims. Lamb likewise lacks such teaching or suggestion. Lamb was cited in the Office Action as disclosing various message types, such as instant messages. However, nothing in Lamb ties telephony related actions with the updating of presence information with the presence server, where a presence server is defined as claimed in the present claims. Accordingly, it is respectfully submitted that the rejection of claims as unpatentable over Chow in view of Joensuu and further in view of Lamb should be withdrawn.

#### NEW CLAIM

New claim 79 is added. Claim 79 recites updating the presence status of a target user to which others are subscribed via a presence server based on receipt of an ISUP message. Support for new claim 79, is found, for example, in Figure 10 and the associated description. New claim 79 is patentable over the documents cited in the office action because none mention triggering the updating of presence information with a presence server based on an ISUP message. The registrations referenced in Chow and Joensuu are based on mobility management signaling, rather than ISUP signaling. In addition, neither Chow nor Joensuu discloses a presence server for the reasons stated above.

#### CONCLUSIONS

Should there be any minor issues outstanding in this matter, the Examiner is respectfully requested to telephone the undersigned attorney. Early passage of the subject application to issue is earnestly solicited.

DEPOSIT ACCOUNT

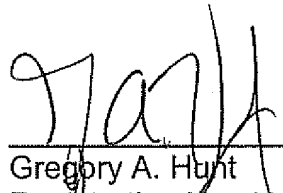
The Commissioner is hereby authorized to charge the \$120.00 1-month extension of time fee and any additional fees associated with the filing of this correspondence to Deposit Account Number 50-0426.

Respectfully submitted,

JENKINS, WILSON, TAYLOR & HUNT, P.A.

Date: January 22, 2008

By:



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